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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA, : 23-CR-88(HG)

Plaintiff , :  
-against- : United States Courthouse  
CHI KWAN WONG, : Brooklyn, New York

Defendant. : March 13, 2023  
2:00 p.m.

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TRANSCRIPT OF STATUS CONFERENCE  
BEFORE THE HONORABLE HECTOR GONZALEZ  
UNITED STATES DISTRICT JUDGE

APPEARANCES:

For the Government: BREON PEACE  
United States Attorney  
BY: ANDREW ESTES,  
Assistant United States Attorney  
271 Cadman Plaza East  
Brooklyn, New York

For the Defendant: GARFUNKEL WILD, P.C.  
111 Great Neck Road, Suite 503  
Great Neck, New York  
BY: ROBERT A. DEL GIORNO, ESQ.

Court Reporter: Andronikh M. Barna  
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Brooklyn, New York  
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Proceedings recorded by mechanical stenography, transcript  
produced by computer-aided transcription.

1 THE COURTROOM DEPUTY: This is criminal cause for a  
2 status conference, Docket No. 23-CR-88, United States of  
3 America versus Wong.

4 Parties, please state your appearances for the  
5 record, starting with the government.

6 MR. ESTES: Good afternoon, Your Honor.  
7 Andrew Estes for the government.

8 THE COURT: Good afternoon, Mr. Estes.

9 MR. DEL GIORNO: Good afternoon, Your Honor.  
10 Robert Del Giorno for defendant.

11 THE COURT: Good afternoon.

12 All right. So, Mr. Estes, this is the first  
13 conference in front of me. If you could just tell me a little  
14 bit about what is going on in the case.

15 MR. ESTES: Yes, Your Honor.

16 Since the defendant was arrested on the indictment  
17 and released on bond on February 28th, counsel for the  
18 government and the defendant have been speaking about a  
19 proposed protective order as well as what some of the  
20 discovery will look like in this case. The government has  
21 prepared the first production of discovery. That should be  
22 going to defense counsel this week. We have a signed proposed  
23 protective order as well to send to the Court because almost  
24 all of the material in this case does involve sensitive  
25 personal information. It's a healthcare fraud case; it does

1 involve healthcare claims to Medicare and Medicaid plans,  
2 including information such as the patients' names, dates of  
3 birth, diagnoses, prescriptions, et cetera, as well as  
4 sensitive financial information as well. So that material  
5 will be sent to the defense. The first production is about  
6 50,000 pages of materials, which includes bank records, claims  
7 data, materials obtained from search warrants, as well as  
8 search warrant affidavits, including materials involving  
9 messaging applications, so basically like text messages. Some  
10 of the materials also come with translations because a lot of  
11 information in this case does involve either statements,  
12 communications in foreign languages. So where the government  
13 has materials that are translated, we'll be providing that as  
14 well.

15 So that's generally where we are. As I said, we  
16 will be preparing those materials to produce later this week  
17 to defense. Once they've had an opportunity to look at those  
18 materials, as well as to discuss any other discovery issues,  
19 disputes or anything else, we expect to continue to have  
20 negotiations and discussions with Counsel to see if this also  
21 is a case that will resolve short of trial.

22 And after speaking with defense counsel as well as  
23 the Court's deputy, we would request another date to appear  
24 before the Court, I think February 27th.

25 THE COURTROOM DEPUTY: April.

1 MR. ESTES: Excuse me, April 27th. I'm looking at  
2 last month's calendar. Excuse me.

3 THE COURT: All right. And the discovery,  
4 Mr. Estes, do you have a sense of what the total scope of  
5 discovery in the case will be?

6 MR. ESTES: So this first production is sort of, is  
7 the bulk of materials relating to claims data, financial  
8 records, things like that.

9 We'll set out in our letter to defense counsel as  
10 well some other materials that were obtained and will be made  
11 available to defense to look at that were -- came from the  
12 search of the pharmacy that was conducted, to the extent that  
13 they want to review those materials as well.

14 There are also various video recordings, things of  
15 that nature, that are a large size, but we'll be providing  
16 those with reports as well to hopefully point the defense to  
17 what, if anything, may be of interest to them. I don't have  
18 an estimate of the particular size and quantity of those,  
19 although that's -- from the government's perspective, the  
20 recordings are not as critical to the defense in this case but  
21 that were obtained during the investigation.

22 THE COURT: And Mr. Estes, you and I have some  
23 experience together. Are there other investigations that  
24 might spill over into this case in terms of discovery or is it  
25 pretty self-contained?

1 MR. ESTES: So there may be parallel investigations  
2 and issues coming here. We will be discussing that with  
3 defense as well. Primarily though, the government's  
4 perspective is that its criminal investigation has one  
5 prosecution team and has been both collecting and maintaining  
6 information from that investigation and will be providing that  
7 to the defense. If there are any issues around that, we will  
8 address that with the Court as appropriate.

9 THE COURT: Okay. All right.

10 All right. Mr. Del Giorno, anything from your side?

11 MR. DEL GIORNO: No, Your Honor. I agree with  
12 Mr. Estes. We've had all of those conversations and we are  
13 prepared to adjourn the case.

14 THE COURT: All right. And Mr. Wong, have you  
15 understood everything that is going on today? Anything you  
16 need clarification from your attorney?

17 THE DEFENDANT: Yeah, no, I have no questions.

18 THE COURT: Okay. Very good then.

19 All right. Is there an application then under the  
20 Speedy Trial Act?

21 MR. ESTES: Yes, Your Honor.

22 The government would both request that this case be  
23 designated complex, in part because of the extent of the  
24 discovery, that this involves a years-long scheme for multiple  
25 millions of dollars of claims and claims data themselves I

1 believe take hundreds if not thousands of lines of claims that  
2 are provided, as well as the fact that some of the materials  
3 are in foreign languages as well. For those reasons, as well  
4 as the government intends to continue to discuss with the  
5 defense whether there is possible resolution short of trial,  
6 that in the interest of justice, that time be excluded until  
7 the April conference.

8 THE COURT: Mr. Del Giorno, any objection to  
9 exclusion under the Speedy Trial Act?

10 MR. DEL GIORNO: No objection.

11 THE COURT: All right. So I am going to adjourn the  
12 matter until April 27th at 11:00 a.m. in this courtroom.

13 And I am going to exclude time, the period from  
14 today through April 27th of this year, I am going to exclude  
15 in computing time under the Speedy Trial Act.

16 First I am going to -- I find that the case, given  
17 the nature of the discovery and the nature of the  
18 investigation, is a complex case. Based on the Court's  
19 experience with claims data and the privacy concern around  
20 claims data, as well as the length and scope of the  
21 investigation and the amount of data that is involved and that  
22 will need to be produced, as well as the translations -- what  
23 languages?

24 MR. ESTES: Cantonese, Your Honor.

25 THE COURT: -- as well as the difficulty that often

1 arises as a result of the need for translations, I find that  
2 the case does fit the definition of a complex case and for  
3 that reason alone, Speedy Trial could be excluded.

4 But I also find that the ends of justice served by  
5 granting of the continuance outweigh the best interest of the  
6 public and the defendant in a speedy trial because the failure  
7 to grant the continuance would deny counsel for the government  
8 and for the defense the reasonable time necessary to review  
9 and exchange discovery and for effective pretrial preparation  
10 as a result of the scope of that discovery.

11 And in light of the government's representations  
12 about commencing discussions about a possible resolution, I  
13 also find that the failure to grant a continuance would deny  
14 counsel for the parties the reasonable time necessary to  
15 engage in those plea negotiations.

16 So for those reasons, in addition to the finding of  
17 complexity, I am going to exclude time in the interest of  
18 justice from today through April 27th.

19 All right? Anything else we can take care of?

20 MR. ESTES: Just as far as the housekeeping portions  
21 of the proposed protective order, would the Court like us to  
22 file that on the docket or submit it? We have the original  
23 signed copy today. Whatever the Court prefers.

24 THE COURT: I do not have a preference, so you could  
25 either file it on the docket as an application and, assuming

1 there are no issues, I will just sign it. Quite honestly,  
2 whatever is easier and works for the parties, that is fine by  
3 me.

4 MR. DEL GIORNO: I've already explained it to my  
5 client, we both signed the document, so the Court is aware.

6 THE COURT: Okay. So Mr. Estes, just file it on the  
7 docket and I will turn that around as soon as possible.

8 MR. ESTES: Yes, Your Honor. Thank you.

9 THE COURT: Okay. Anything else?

10 MR. ESTES: Nothing from the government, Your Honor.

11 THE COURT: From the defense?

12 MR. DEL GIORNO: Nothing further, Your Honor.

13 THE COURT: All right. Thank you, gentlemen. Have  
14 a good afternoon.

15 (Matter concluded.)

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19 I certify that the foregoing is a correct transcript from the  
20 record of proceedings in the above-entitled matter.

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/s/ Andronikh M. Barna

April 10, 2023

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ANDRONIKH M. BARNA

DATE

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